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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,168	06/10/2002	Heinz Kern	306.41102 X00	4379

20457 7590 01/13/2004

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EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/048,168

Applicant(s)

KERN, HEINZ

Examiner

Bret C Hayes

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

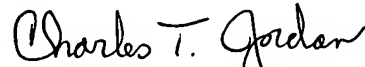
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 2-6.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 09 July 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



CHARLES T. JORDAN

SUFFOLK COUNTY PATENT & TRADEMARK
TECHNOLOGY CENTER 3600

DETAILED ACTION

1. For purposes appeal the proposed amendment will be entered and an explanation of how the amended claims would be rejected is provided, as set forth on PTO-303, box 7, as follows.

2. An explanation: since previous claim 1 is combined into newly amended claim 3, the rejection would be similar to the rejection set forth in the prior Office action, Paper No. 11, filed August 29, 2003, because in that action, claims 1, 3 and 4 were rejected under 35 USC § 102 and claims 2, 5 and 6 under 35 USC § 103. The new rejections would be as follows.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by US Patent No. 4,651,254 to Brede et al.

4. Brede et al disclose the invention as claimed. Brede et al disclose: (claim 3) pyrotechnic primer 13 for igniting propellant powder 16, the primer 13 having an ignition element 41 and flat coils 3 in which the energy required is transferred by electromagnetic means – beginning at col. 3, line 30 – the ignition element 41 and the coils 3 being situated on a common, flat, consumable support material – beginning at col. 1, line 57, the entire support material consisting of combustible or consumable materials – col. 4, lines 9 – 11, producing a three-dimensional cylindrical coil – best seen in Figs. 3 – 5, by laying conductor ends being in one plane on top of other ends and making a contact between them, with remaining ends of the circuit traces forming the connection surfaces of the element 41 – as set forth at col. 2, line 14; and (claim 4) the coil being copper – set forth at col. 1, line 61. Further re – claim 3, lines 7 and 8, “is produced by

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providing... ..rolling... ..laying...”, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

5. Re – claim 4, line 3, “by screen-printing”, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

6. Claims 2, 5 and 6 are rejected under 35 U.S.C. § 103 as being unpatentable over Brede et al.

7. Brede et al disclose the invention substantially as claimed, as applied to claims 3 and 4 above.

8. Re – claims 2, 5 and 6, Brede et al does not explicitly disclose the entire support material consisting of paper or nitro-cellulose. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use paper or nitro-cellulose, since it was known in the both the explosive and circuit board arts that paper and nitro-cellulose materials are non-conductive and flammable, i.e., combustible and consumable materials. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any such flammable material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

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Conclusion

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306 – 4159. The fax number is (703) 872 – 9306.

bh

1/11/04

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